

MINUTE of MEETING of the WEST LOTHIAN LICENSING BOARD held within COUNCIL CHAMBERS, WEST LOTHIAN CIVIC CENTRE, on 11 OCTOBER 2019.

Present – Councillors Dom McGuire (Convener), David Dodds, Peter Heggie, Dave King, George Paul and Damian Timson

Apologies – Councillors Alison Adamson and Bruce Fairbairn

1. DECLARATIONS OF INTEREST

There were no declarations of interest made.

2. MINUTE

The Board confirmed the Minute of its Meeting held on 13th September 2019 as a correct record. The Minute was thereafter signed by the Chair.

3. REVIEW OF PREMISES LICENCE - CUPCAKE CAFE BAR, WESTERWOOD FARM, TORPHICHEN

The licence holder was not represented. The Deputy Clerk advised that the sole connected person of the licence holder had intimated she would not be attending the hearing. The Board unanimously agreed to determine the application in the licence holder's absence.

Police Scotland was represented by PC Tom White. Douglas Frood, Licensing Standards Officer was also in attendance.

The Deputy Clerk referred the Board to the report which proposed a review of the premises licence.

The Deputy Clerk advised that the licence holder named on the premises licence was Cupcake Café Bar Ltd. Following routine checks on the Companies House website it was discovered that Cupcake Café Bar Ltd had been dissolved on 13 August 2019. This had not been intimated to the Licensing Team. When contacted, the connected person advised that the premises had been closed since a fire in January 2019 and that she no longer had any involvement with the premises.

The Deputy Clerk explained that as the company holding the licence no longer existed, there was no one ultimately responsible for the sale of alcohol and no one was able to make any applications on behalf of the company. It was therefore the view of the Clerk of the Board that this situation could not continue and that the operation of the premises without a premises licence holder was contrary to all five licensing objectives. The report recommended that the Board make a premises review proposal in relation to the premises on the above grounds and proceed immediately to hold a review hearing.

The Board agreed to proceed with a review hearing.

Douglas Frood, LSO, spoke in relation to his report which had been provided as an appendix to the Depute Clerk's report.

Police Scotland intimated that they had no comment to make to the report.

The Board had an opportunity to put questions to the LSO and Police Scotland.

Decision

The Board agreed that the grounds of a review had been established and unanimously agreed to revoke the premises licence.